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7 Attorney for Plaintiff, William S. Gonzalez, Sr.  
8 and Jeanette Gonzalez

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE DISTRICT OF ARIZONA

12  
13 IN RE: BARD IVC FILTERS

14 PRODUCTS LIABILITY LITIGATION

Case No: 2:15-MD-02641-DGC

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16  
17 This Document Relates to Plaintiffs:

Civil Case No: 2:16-cv-02254-DGC

18 WILLIAM S. GONZALEZ, SR.,  
19 JEANETTE GONZALEZ

**SECOND AMENDED MASTER  
SHORT FORM COMPLAINT FOR  
DAMAGES FOR INDIVIDUAL  
CLAIMS AND DEMAND FOR JURY  
TRIAL**

22  
23 Plaintiff(s) named below, for their Complaint against Defendants named  
24 below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.  
25 364). Plaintiff(s) further show the Court as follows:

26  
27 1. Plaintiff/Deceased Party:  
28

1                    WILLIAM S. GONZALEZ, SR.

- 2            2.        Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
3                    consortium claim:

4                    JEANETTE GONZALEZ

- 5            3.        Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
6                    conservator):

7                    N/A

- 8            4.        Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
9                    at the time of implant:

10                  NEW YORK

- 11           5.        Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
12                  at the time of injury:

13                  NEW YORK

- 14           6.        Plaintiff's current state(s) [if more than one Plaintiff] of residence:

15                  NEW YORK

- 16           7.        District Court and Division in which venue would be proper absent direct  
17                  filing:

18                  United States District Court for the Southern District of New York

- 19           8.        Defendants (check Defendants against whom Complaint is made):

20                  ☒        C.R. Bard Inc.

21                  ☒        Bard Peripheral Vascular, Inc.

- 22           9.        Basis of Jurisdiction:

**X** Diversity of Citizenship

☐ Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery<sup>®</sup> Vena Cava Filter

~~**X** G2<sup>®</sup> Vena Cava Filter~~

☐ G2<sup>®</sup> Express Vena Cava Filter

**X** G2<sup>®</sup> X Vena Cava Filter

☐ Eclipse<sup>®</sup> Vena Cava Filter

☐ Meridian<sup>®</sup> Vena Cava Filter

☐ Denali<sup>®</sup> Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

10/26/2009

12. Counts in the Master Complaint brought by Plaintiff(s):

**X** Count I: Strict Products Liability – Manufacturing Defect

**X** Count II: Strict Products Liability – Information Defect (Failure

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to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable New York Law Prohibiting  
Consumer Fraud and Unfair and Deceptive Trade Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): \_\_\_\_\_ (please state the facts  
supporting this Count in the space immediately below)

\_\_\_\_\_  
\_\_\_\_\_

1           13.    Jury Trial demanded for all issues so triable?

2                   **X**       Yes

3                   ☐       No

4  
5           RESPECTFULLY SUBMITTED this 5th ~~8<sup>th</sup>~~ day of October ~~July~~, 2017 ~~2016~~.

6                                   BABBITT & JOHNSON, P.A.

7  
8                                   By:           /s/ Joseph R. Johnson          

9   Joseph R. Johnson

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